

CALIFORNIA COASTAL COMMISSION

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TO: Coastal Commissioners and Interested Persons

FROM: Legal Division and Legislative Unit

SUBJECT: **2005 Chaptered Legislation**

The 2005 California Legislative session produced **1 piece of chaptered legislation that directly** amended the Coastal Act (SB 1110), and a few new laws and programs that may require the participation of Coastal Commission staff, have an affect on California's coastal management program, or be of interest to coastal managers.

1. **COASTAL ACT AMENDMENTS**

SB 1110 (Committee on Natural Resources and Water) Chapter 383

This bill repeals Public Resources Code (PRC) Section 30521, deleting obsolete language relating to the Commission's review of Local Coastal Programs prepared by local governments as pilot projects between August 31, 1976, and October 31, 1976. The full text of the repealed section follows:

Section 30521 Early review of pilot projects

The Legislature hereby finds and declares that the early review of a limited number of local coastal programs may provide valuable experience for future review and processing of local coastal programs and that in consideration of the early commitments made by the involved local governments, any local coastal program prepared for that portion of a local jurisdiction designated as a pilot project area by the California Coastal Zone Conservation Commission between August 31, 1976, and October 31, 1976, shall receive priority from the commission by being processed ahead of other local coastal programs pursuant to this chapter. Any such pilot project may be reviewed and approved by the commission without being subject to the procedures required by Section [30501](#); provided, that the proposed local coastal program, or portion thereof, is in conformity with the policies of Chapter 3 (commencing with Section [30200](#)), serves as a useful model for future review of local coastal programs, and the regional commission has commenced formal review of the land use phase of a local coastal program by June 1, 1977.

Implementation: No Action required.

2. COASTAL ACT-RELATED LEGISLATION

SB 857 (Kuehl) Fish Passages; Chapter 589

This bill amends Fish and Game Code Section 5901 to revise and increase the number of districts in which it is unlawful to construct a barrier that impedes up or downstream passage of anadromous fish. This bill also amends Article 3.5 of the Streets and Highways Code, requiring the Department of Transportation to prepare an annual report to the Legislature detailing the department's progress in locating, assessing and remediating existing barriers to fish passage; prepare a Programmatic Environmental Impact Report (PEIR) to evaluate the potential for fish barrier removal, in consultation with appropriate regulatory agencies; and remove existing fish barriers when using state or federal money to construct

Implementation: Coastal Commission staff will work with Caltrans to review and comment on the PEIR. In addition, Coastal Commission staff has already begun discussions with Caltrans to evaluate existing opportunities to facilitate the most appropriately expeditious review for the processing of permits that implement this new requirement.

SB 575 (Torlakson) Housing development projects; Chapter 601

This bill revises the conditions under which a local agency may approve, deny, or approve with conditions, a housing project for very low, low, or moderate income households, including farm worker housing. Previously, a local agency could deny a housing project, as defined, if its housing element was in substantial compliance with state law, and was meeting its share of regional housing needs. This bill deleted that provision. This bill also allows an applicant, or any person who would have been eligible to reside in the proposed project as defined, to bring an action in court to vacate the decision of the local agency. Existing law specifies that nothing in the relevant sections of the statute exempts local governments from complying with the Coastal Act.

Implementation: Coastal Commission staff should be aware of additional pressure on local governments to approve low and moderate income housing developments. Commission staff may want to send an advisory memo to local governments highlighting the fact that these projects must still meet the requirements of any certified LCP.